

Remarks

Claims 1, 10, 19 and 21 are amended herein. Claims 1-27 remain pending in the Application.

Drawings

The Application has been filed with informal drawings. Formal drawings will be provided when Application is allowed.

Specification

In the Office Action, paragraph [0005] of the Specification is objected to for an informality. Applicant has corrected the informality of Paragraph [0005]. Therefore, the objection with respect to the Specification is overcome.

Claim Objections

In the Office Action, Claim 21 is objected to for a clerical informality. Applicant has corrected the informality of Claim 21. Therefore, the objection with respect to Claim 21 is overcome.

Rejection under 35 USC 112

In the Office Action, Claims 8, 17, 21 and 26 are objected to under 35 USC 112 second paragraph.

Claim 21 is rejected for an antecedent informality. Applicant has corrected the informality of Claim 21. Therefore, the objection with respect to Claim 21 is overcome.

Claims 8, 17 and 26 are rejected as being unclear and indefinite. Examiner has stated that the feature "wherein return pointer is not yet saved," is unclear and indefinite. Applicant respectfully disagrees with the Examiner that the feature is unclear and indefinite. Applicant respectfully directs the Examiner to paragraphs 0071-0072 of the Specification which directly addresses and

10019981-1

-8-

Examiner: Nguyen, H.

Serial No.: 10/016,953

Art Unit: 2122

clearly discusses the feature of a Return Pointer Not Yet Saved. Therefore, Applicant respectfully states that the 35 USC 112 second paragraph rejection with respect to Claims 8, 17 and 26 should be withdrawn.

Rejection under 102(e)

Claims 1-27

In the Office Action, the Examiner rejected Claims 1-27 under 35 USC 102(e) as being anticipated by Smith et al. (6470493). Applicant has reviewed Smith et al. and respectfully states that Smith et al. do not anticipate the present invention for the following rationale.

Applicant respectfully states that Claims 1, 10 and 19 includes the features “modifying selected text segment portions from said process which has been instrumented; and cleaning a call stack ...wherein said cleaning is performed on said process which has been instrumented.” Support for the Claimed features can be found throughout the Specification and Figures including paragraph [0031].

Applicant respectfully disagrees that Smith et al. anticipates the features of Claims 1, 10 and 19. Applicant understands Smith et al. to teach the utilization of a backup copy of the process being instrumented for purposes of reverting to an uninstrumented state. Applicant respectfully states that a similar method is described in the background section discussion of dynamic binary instrumentation where the original code in the program is relocated. As discussed in the Background section, the dynamic binary instrumentation is a viable method, having drawbacks such as expensive memory costs. Therefore, Applicant does not understand Smith et al. to teach any methods for modifying portions of the instrumented process to return it to the uninstrumented state, thereby removing the need to store a backup copy and thus reducing the memory cost.

Therefore, Applicant respectfully submits that Smith et al. does not anticipate the present claimed invention as recited in Claims 1, 10 and 19, and as such, Claims 1, 10 and 19 are in condition for allowance. Accordingly, Applicant also respectfully submits that Smith et al. does not anticipate the present claimed invention as recited in Claims 2-9, 11-18 and 20-27 which are dependent on allowable Independent Claims 1, 10 and 19 and that Claims 2-9, 11-18 and 20-27 recite further features of the present claimed invention. Therefore, Applicant respectfully states that Claims 2-9, 11-18 and 20-27 are allowable as pending from allowable base Claims.

Conclusion

In light of the above amendments and remarks, Applicant respectfully requests allowance of Claims 1-27.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,  
Wagner, Murabito & Hao LLP

Date: 12/27/04



John P. Wagner, Jr.  
Reg. No. 35,398

Two North Market Street  
Third Floor  
San Jose, California 95113  
(408) 938-9060